

EXHIBIT I

Declaration of David Robertson (“Robertson Declaration”).

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATAMOTION TEXAS, LLC,

Plaintiff,

v.

COMERICA BANK, COMERICA
INCORPORATED, and COMERICA BANK
& TRUST, N.A.

Defendants.

Civil Action No. 2:15-cv-00894-JRG

**DECLARATION OF
DAVID ROBERTSON**

I, David Robertson, declare as follows:

1. Unless indicated otherwise, the facts set forth herein are to the best of my knowledge and belief, and if called as a witness, I could and would testify competently thereto. I submit this Declaration in support of Defendants Comerica Bank, Comerica Incorporated, and Comerica Bank & Trust, N.A.'s (collectively "Comerica") Motion to Transfer Venue.

2. I currently reside in Richardson, Texas, located in Collin County. I am currently employed by Zix Corporation and work at its corporate headquarters in Dallas, Texas. My title is VP, Engineering. Among other products and services, Zix offers email encryption solutions.

3. I understand that DataMotion Texas, LLC alleges that certain features of Comerica's secure email system infringe two of its patents, U.S. Patent Nos. 6,684,248 ("248 patent) and 8,447,967 ("967 patent").

4. Zix supplies Comerica with secure email system products and services and Comerica's alleged infringement is seemingly based on Zix's secure email products/services ("Zix Products/Services").

5. One feature of Zix's Products/Services is known as the Zix Portal. The Zix Portal was designed, implemented, and is operated by Zix's development team, which is based in Dallas, Texas. For Zix's North American customers, the Zix Portal runs on Zix's servers and other equipment located in Dallas, Texas.

6. The Zix employees that are most knowledgeable about the Zix Portal and its design, implementation, and operation are Dena Bauckman, located in Dallas, Texas, and Russell Morgan, located in Ottawa, Ontario. There are also other Dallas-based development team

members that may have information regarding the design, implementation, and operation of the Zix Portal.

7. Technical documents discussing the Zix Portal's design, implementation, and operation are located in Zix's development group document repository at Zix's headquarters in Dallas, Texas.

8. Another feature of Zix's Products/Services involves a plugin for an email client application. The plugin was designed and implemented by Zix's development team, which is based in Dallas, Texas.

9. The Zix employees that are most knowledgeable about the plugin and its design, implementation, and operation are Leon Lusk, located in Dallas, Texas, and Dena Bauckman, located in Dallas, Texas. There are also other Dallas-based development team members that may have information regarding the design, implementation, and operation of the plugin.

10. Technical documents discussing the plugin's design, implementation, and operation are located in Zix's development group document repository at Zix's headquarters in Dallas, Texas.

11. Many of the documents discussing the Zix Portal and plugin's design, implementation, and operation contain Zix proprietary information and are not available to Zix's customers in the ordinary course of business. Zix customers are given documents that discuss the use and administration of the secure email system and its relevant features. However, such documents are general and instructional in nature, and are not focused on the detailed design and functionality of the system or its features.

Executed on October 9, 2015



David Robertson